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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,150

Applicant(s)

UHDE ET AL.

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/03/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said non-volatile data carrier" in the first line and the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shim U.S. Patent No. 6,608,804.

Regarding claim 1, Shim discloses a method for quickly producing read or write readiness of an apparatus for reading from or writing to an optical recording medium, the recording medium having identification information items which individually identify the respective recording medium (See Abstract; col. 4, lines 8-16, comprising the steps of:

a) detecting identification information from said recording medium to identify the recording medium (See col. 4, lines 8-16; col. 6, lines 21-22; Fig. 4, step 402),

b) checking for a stored adjustment parameter value in a storage means (See col. 6, lines 23-28; Fig. 4, steps 404,406), and

c) reading said stored adjustment parameter value from said storage means, if the check made in said step b) is positive, and adjusting said apparatus in accordance with said adjustment parameter value read, to facilitate one of reading and writing to said recording medium (See col. 6, lines 23-36; Fig. 4, steps 404,406).

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Regarding claim 2, Shim discloses wherein said step b) is negative, said apparatus is adjusted in order to be able to read from or write to a data area of the optical recording medium, and afterwards, for the identified recording medium, at least one adjustment parameter value corresponding to the adjusted state of the apparatus is stored in said storage means (See col. 6, lines 23-36; Fig. 4, step 404,406).

Regarding claim 3, Shim discloses wherein said storage means comprises a non-volatile memory (See col. 6, lines 26-31)

Regarding claim 5, Shim discloses a BCA data area of the optical recording medium is read as identification information (See col. 4, lines 8-16; col. 6, lines 16-18)

Regarding claim 6, Shim discloses a BCA data area of the optical recording medium is read as identification information (See col. 4, lines 8-16; col. 6, lines 21-22; Fig. 4, step 402).

Regarding claim 7, Shim discloses an apparatus for reading from or writing to an optical recording medium (See Fig. 1), comprising:

a recording medium having identification information items which individually identify the respective recording medium (See col. 6, lines 16-18; Fig. 1),

a detection means for detecting said identification information items of said recording medium that has been inserted into the apparatus (See Fig. 1, ref# 102),

a control means for identifying said recording medium that has been inserted into the apparatus using said detected identification information items (See col. 1, lines 50-62; col. 6, lines 16-31; Fig. 1 ref# 116),

and for checking whether, for said identified recording medium, at least one adjustment parameter value for operation of the apparatus is stored in a storage means, said control means being configured in such a way that, in the case where, for said identified recording medium an adjustment parameter value has been able to be identified in said storage means, said control means read said adjustment parameter value from said storage means and adjust write means or read means of the apparatus in accordance with said adjustment (See col. 1, lines 21-62; col. 6, lines 16-36; Fig. 1 ref# 116).

Regarding claim 8, Shim discloses wherein said detection means are formed by the write means or read means (See col. 1, lines 31-32; Fig. 1 ref# 102).

Regarding claim 11, Shim discloses wherein said detection means are configured in such a way that they read a BCA data area of the recording medium as the identification information items which individually identify the recording medium that has been inserted into the apparatus (See col. 1, lines 21-62; col. 6, lines 16-36; Fig. 1 ref# 116, Fig. 4).

Regarding claim 13, Shim discloses wherein said apparatus is configured for reading from and/or writing to a DVD-ROM disc as optical recording medium (See col. 1, lines 21-62; Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim U.S. Patent No. 6,608,804 in view of Scibora U.S. Patent No. 6,366,544.

Regarding claim 4, Shim discloses all the limitations based on claim 3, as outlined above. Shim further discloses wherein said nonvolatile memory is provided into the apparatus and is accessed in said steps b) and c). But Shim fails to disclose a non-volatile data carrier provided externally to the apparatus, and in that the content of the file of said non-volatile data carrier is accepted into a memory, which is provided in the apparatus.

However this feature is well known in the art as evidenced by Scibora, which discloses a non-volatile data carrier provided externally to the apparatus, and in that the content of the file of said non-volatile data carrier is accepted into a memory, which is provided in the apparatus (See col. 3, lines 9-11; col. 4, lines 21-29; Fig. 1).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to include an non-volatile data carrier provided externally to the apparatus and in that the content of the file of said non-volatile data carrier is accepted into a memory which is

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provided in the apparatus, in order to update by downloading to the nonvolatile memory in the apparatus, with other content files which identifies the recording medium and enable reading the recording medium as suggested by Scibora.

Regarding claim 10, Shim discloses all the limitations based on claim 7, as outlined above. Shim further discloses wherein said storage means comprises one of non-volatile memory of the apparatus. But Shim fails to disclose non-volatile data carrier provided externally to the apparatus.

However this feature is well known in the art as evidenced by Scibora, which discloses a non-volatile data carrier provided externally to the apparatus (See col. 3, lines 9-11; col. 4, lines 21-29; Fig. 1)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to include an non-volatile data carrier provided externally to the apparatus, in order to download the content of the file of said non-volatile data carrier into a non volatile memory which is provided in the apparatus and therefore updating the nonvolatile memory with other content files which identifies the recording medium and enable reading the recording medium as suggested by Scibora.

4. Claims 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim U.S. Patent No. 6,608,804 in view of Sakamoto et al. U.S. Patent No. 6,606,284.

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Regarding claim 9, Shim discloses all the limitations based on claim 7, as outlined above. Shim further teaches a control means for carry out an adjustment of the write means or read means for the identified recording medium (See col. 2, line 65 to col. 3, line 18).

But Shim fails to disclose wherein said control means are configured in such a way that, in the case where, for the identified recording medium, it has not been possible to identify an adjustment parameter value in the storage means, the said control means carry out an adjustment of the write means or read means and store in the storage means at least one adjustment parameter value corresponding to the adjusted state of the write means or read means.

However this feature is well known in the art as evidenced by Sakamoto et al. (See Abstract; col. 9, lines 11-38; col. 11, lines 60-67; col. 13, lines 10-31; Figs. 1, 3, 4)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to in the case where, for the identified recording medium, it has not been possible to identify an adjustment parameter value in the storage means, the said control means carry out an adjustment of the write means or read means and store in the storage means at least one adjustment parameter value corresponding to the adjusted state of the write means or read means, in order to speedily reproduce and shortening the duration required for the control means to carry out an adjustment as suggested by Sakamoto et al.

Regarding claim 12, Shim further discloses wherein said detection means are configured in such a way that they read a BCA data area of the recording medium as the identification information items which individually identify the recording medium that has been inserted into the apparatus (See col. 1, lines 21-62; col. 6, lines 16-36; Fig. 1 ref# 116, Fig. 4).

Regarding claim 14, Shim further discloses wherein said apparatus is configured for reading from or writing to a DVD-ROM disc as optical recording medium (See col. 1, lines 21-62; Fig. 1)

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 6,122,230 to Scibora, which discloses an optical disk reproducing player.
- b. U.S. Patent No. 6,330,215 to Lim, which discloses an optical disc including identification information, provided on a specified region and an optical disc recording/reproducing apparatus comprising a memory for storing identification information.
- c. U.S. Patent 6,034,934 to Miyake et al., which discloses an optical disc reproduction method and apparatus for obtaining optical disc identification information from the BCA area.
- d. U.S. Patent 6,034,937 to Kumagai, which discloses an optical disc reproduction method and apparatus for obtaining optical disc identification information from the BCA area.

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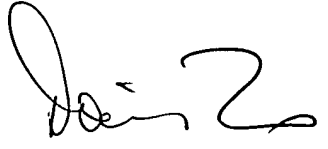
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc


DORIS H. TO 9/5/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800